

### **REMARKS/ARGUMENTS**

Claims 1 and 3-12 were pending. Claim 1 has been amended; new claims 13-16 have been added; and claims 1 and 3-16 are pending in this application, upon entry of this amendment. No new matter has been introduced with this amendment. Reconsideration of the present application is respectfully requested in light of the foregoing amendments and the following remarks.

#### **Obviousness-type Double Patenting over the '190 patent**

Claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being obvious over Claim 1 of U.S. Patent No. 7,211,190 ("the '190 patent"). Applicant notes that upon allowance of the claims in the instant application, a terminal disclaimer can be filed to make the term of the patent issuing from the instant application contiguous with the term of the '190 patent. Applicant is prepared to do so upon allowance of the claims in the instant application.

#### **Claim Rejections 35 U.S.C. § 103**

Claims 1 and 3-12 have been rejected under 35 U.S.C. 103(a) for allegedly being obvious over Kielbowicz (US 5,759,398), hereinafter "Kielbowicz" in view of Rivers (US 4,049,406), hereinafter "Rivers".

The references do not teach or suggest, inter alia, "a plurality of screen pockets which are open towards the suction side" (emphasis added). With reference to Fig. 1 of Kielbowicz, the effective screen area of the suction sieve 1 is determined, and limited by, the size of the through holes 2, and not the sieve pockets 14. This is evident to one commonly skilled in the art with basic knowledge of fluid dynamics, as the through holes 2 represent the smallest entry points of fluid. Thus, from a flow-rate perspective and assuming infinite suction inside the chamber 6, the suction sieve 1 is no different from a planar surface with the same area dimensions as the periphery wall 3. The claimed invention, however, differs in that the effective

screen area of the protective screen is determined by the pocket dimensions. Thus, the sieve pockets 14 are not "open" towards the suction side, as they are only open towards the through holes 2.

Assuming that the Examiner is viewing "open" from an overly broad perspective, the references certainly do not recite new dependent claims 13-15.

Further, Kielbowicz both teaches away from the instant claims, and is rendered unsatisfactory for its intended purpose as the sieve recited by Kielbowicz is intended to be attached to a pump. From Kielbowicz:

"Sieve body 1 surrounds a central suction chamber 6 that is closed by end plate 5 and can be connected with flange 4 to a suction line 7 of a pump (not shown), e.g., a cooling water pump of the emergency cooling circuit of a nuclear power plant." (Col. 2, lines 28-32)

Accordingly, if the sieve of Kielbowicz was modified to be rectangular in order to be attached to a duct, it would not be able to be connected by a flange to a suction line of a pump, which requires the cylindrical contraction as shown in Fig. 1 of Kielbowicz. The Examiner noted that the preamble merely cites an intended use; claim 1 has been amended to include the language of the preamble which defines a standard for construction and thus provides a structural limitation for the protective screen.

The protective screen claimed in the amended claim 1 also differs from the screen disclosed in Kielbowicz in that the protective screen claimed in the present application includes at least one screen wall element. The screen disclosed in Kielbowicz, on the other hand, does not include a screen wall element. Even if a screen wall element is not regarded exclusively as a plane wall element the cylindrical screen and the cylindrical cassette units disclosed in Kielbowicz can not be fairly regarded as "a screen wall element".

The protective screen claimed in the amended claim 1 further differs from the screen disclosed in Kielbowicz in that the protective screen claimed in the present application the cassette units have rectangular sides while Kielbowicz discloses annular cassette units which do not have rectangular sides (see Fig 1-3, and col. 2, lines 32-34 in Kielbowicz).

The protective screen claimed in the amended claim 1 further differs from the screen disclosed in Kielbowicz in that in the protective screen claimed in the present application, the cassette units each contain “*a plurality of screen pockets which are open towards the suction side, spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls*”. The screen disclosed in Kielbowicz, on the other hand, is formed of several annular, axially stacked, modular disk-shaped cassette units 8 (Fig. 2 and col. 2, lines 32-34 in Kielbowicz), with “[e]ach cassette unit 8 [having] two axial end wall sections 11 and 12 of perforated sheet metal which are axially spaced part and have the shape of annular disks (Fig. 2 and col. 2, lines 37-39 in Kielbowicz).” Thus, each cassette unit shown and described in Kielbowicz has only two end walls and lacks an intermediate wall arranged between and apart from the spaced apart end walls. Moreover, Fig. 5 in Kielbowicz clearly shows that the cassette unit 8 has only two end walls 12 and no intermediate wall arranged between and apart from the spaced apart end walls 12. The interpretation given on page 8 of the Office Action that

“sequences of close locating wall 11, 12 are equal to said intermediate walls and a sequence of flange 4 and a close locating wall 16 is service as spaced apart wall, because some said wall can be made without perforation”

is therefore inconsistent with the teaching of Kielbowicz.

Even if the teaching of Kielbowicz is disregarded with respect to the cassette units the interpretation given on page 8 of the Office Action that

“sequences of close locating wall 11, 12 are equal to said intermediate walls and a sequence of flange 4 and a close locating wall 16 is service as spaced apart wall, because some said wall can be made without perforation”

does not lead to the cassette units claimed in the present application because in the claimed protective units the cassette units contain “bent perforated wall segments spanning the distance between two consecutive intermediate walls and between a spaced apart wall and an intermediate wall”. The screen disclosed in Kielbowicz, on the other hand does not contain bent perforated wall segments spanning the distance...between a spaced apart wall 4, 5 and an intermediate wall 11, 12. (Please note that the reference number “16” mentioned in the Office Action designates through holes {see col. 2, line 55 of Kielbowicz}.) Kielbowicz therefore fails to disclose a cassette unit containing bent perforated wall segments spanning the distance between two consecutive intermediate walls and between a spaced apart wall and an intermediate wall.

The protective screen claimed in the amended claim 1 differs from the fluid filter housing and assembly disclosed in Rivers (US 4,049,406) in that in the protective screen claimed in the present application, the cassette units each contain “bent perforated wall segments spanning the distance between two consecutive intermediate walls and between a spaced apart wall and an intermediate wall”. The fluid filter housing and assembly disclosed in Rivers, on the other hand, does **not** contain bent perforated wall segments.

For the above mentioned reasons, Kielbowicz and Rivers both fail to disclose a cassette unit containing bent perforated wall segments spanning the distance between two consecutive intermediate walls and between a spaced apart wall and an intermediate wall. Thus, even if the teachings of Kielbowicz and Rivers are combined a person of ordinary skill would not be lead to the protective screen claimed in the present application.

The cassette units that are used in the protective screen claimed in the present application have the advantage that they assist in achieving the form stability and robustness necessary for screening off a suction space and a suction duct connected to it in an emergency cooling system of a nuclear power plant.

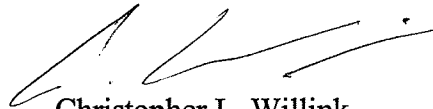
For the above-mentioned reason the protective screen claimed in the present application is not made obvious by the cited documents.

**CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-273-4380 (direct).

Respectfully submitted,



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